

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ANITA LAUX,  Plaintiff,  v.  MENTOR WORLDWIDE, LLC; MENTOR CORPORATION; ETHICON, INC.; JOHNSON & JOHNSON and JOHN DOE DEFENDANTS # 1-10, Defendants.	} } } } } } } } } } } }	CASE NO.: 2:16-cv-01026-ODW-AGR  <b>[PROPOSED] JUDGMENT GRANTING MENTOR WORLDWIDE LLC'S MOTION FOR SUMMARY JUDGMENT</b>
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Defendant Mentor Worldwide LLC's ("Mentor") Rule 56 Motion for Summary Judgment was heard in the United States District Court for the Central District of California before the Honorable Otis D. Wright II on \_\_\_\_\_, 2017 at 2:30 p.m.

Upon full consideration of the parties' moving, opposing, and reply papers; the parties' separate statements of uncontroverted facts and supporting evidence; authorities relied upon by the parties; the declarations submitted by the parties; and the oral arguments of counsel, it is hereby **ORDERED** that Defendant Mentor Worldwide LLC's Motion is **GRANTED** for the following reasons:

1. Plaintiff's strict liability (Count 1) and negligence (Count 2) claims fail as a

1 matter of law by the express preemption clause of the Medical Device Amendments of  
2 1976 because the product at issue, a Mentor Saline Breast Implant, is a Class III medical  
3 device that was approved through the FDA's premarket approval ("PMA") process.

4 2. Plaintiff's strict liability (Count 1) and negligence (Count 2) claims fail as a  
5 matter of law because Plaintiff cannot prove that the product at issue, a Mentor Saline  
6 Breast Implant was defective, and that such defect caused her injuries, and there are no  
7 genuine issues of material fact with respect to these essential elements of her claims.

8 3. Plaintiff's claim for breach of warranty (Count 3) fails because Plaintiff has  
9 not set forth any facts showing she complied with the requirements of the Mentor  
10 warranty program, or that Mentor breached its warranty obligation to her, and there is no  
11 genuine issue of material fact with respect to her claim.

12 Judgment is entered in favor of Defendant Mentor Worldwide LLC and against  
13 Plaintiff Anita Laux on Plaintiff's Complaint.

14 **IT IS SO ORDERED.**

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17 DATED: \_\_\_\_\_

Hon. Otis D. Wright II  
United States District Court Judge